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November 1991



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Vandalism is a big problem in many communities. As demonstrated by this Brandon Police officer, vandalism is a terrific and senseless waste. Almost all law enforcement agencies consume a lot of time taking reports and monitoring premises for vandals. It is a problem that can only be attacked with the community's support. Police can not be everywhere and they require the extra eyes of the public to let them know where the problems exist and how to attack it.

One aspect of vandalism is the need for the perpetrator to see the results of the damage done and the impact it has. For this reason it is extremely important the owner of the property repair and replace the damage as soon as possible. Even before the public has an opportunity to see it. Sensationalizing some incidents can only cause more "copy cat" acts to occur.

Community involvement was recently demonstrated in the Southern Ontario town of Unionville. Vandals entered a school and did over \$170,000 damage with water and fire extinguishers. Local residents came out in large numbers to help with the clean up. It was obvious these people accepted ownership for the criminal act in their community and did something constructive about it.

Smidlap

By Dave Sills

"I don't think these solar powered flashlights were such a good idea."

Lessons From "The City Of Angels"

The Rodney King Incident

A summer of violence grows into autumn. A summer characterized by a record number of murders in our largest city, the murders of two police officers and violent assaults on others, and statistics from the federal government which indicate that we are fast becoming a more violent, less caring, society. As I sit, digesting all of this, I hear a news broadcast that four Los Angeles police officers will soon stand trial for the beating of Rodney King.

For a time, in the spring of this year, Rodney King's name and face were as well known as that of politicians and soldiers. To watch the videotape of King being kicked and clubbed by some Los Angeles police officers, while others looked on, was to explore a dark corner of policing. Not only in the United States, but here as well, many police officers feared that the incident would undermine their hard earned professionalism. It became an occasion for dismay, soul searching and a defensiveness. For some members of the public, particularly minorities, the incident confirmed that the police are racists who routinely brutalize people. Eight months after it occurred, what can we learn from Rodney King?

There are two elements essential to a consideration of the Rodney King incident. The first is media presentation and the second is any actual presence of widespread police misconduct, either in Canada or the United States. The King incident was played and replayed an uncounted number of times on television. That in itself completely destroyed any sense of perspective of the magnitude of what happened. That it gained so much attention and notoriety suggests that it was indeed an aberration - such common events as murder, sexual assault and robbery are often buried on the back pages of our newspapers. The problem is that such common events affect our society, and its members immeasurably. This is clear, while what happened to Rodney King is not. The public needs to be made aware that the King incidents is not the norm and that

many police officers during their careers will suffer an injury only because they attempt to subdue someone without using excessive force.

In policing we tend to go from one extreme to the other, to over react in our thinking and actions. Some police administrators and trainers will over react in their respective areas in trying to prevent a repeat of what happened in Los Angeles. They will review and revise use of force policies as if the incident is universal to policing. There will be renewed and louder cries for civilian review of police activities, and for greater civilian control of hiring, firing and discipline. There may be more vigorous prosecution of officers accused of using excessive force, and there may be more convictions.

We all realize that our police agencies have individuals who have no common sense and should not be working as police officers. In fact, it would greatly enhance police work if they were to leave immediately. They are out there. Our police agencies have hired them and we work with them. What is unfortunate is that any knee-jerk reaction will not only affect these individuals but also the thousands of dedicated, professional hardworking police officers who go about their jobs daily.

The King incident presents a danger to police officers, in that the average police officer may think twice about using appropriate force in self-defense or defense of others, even when these actions are clearly justified. Some police officers may decide they should avoid confrontations...and thereby lessen their level of service to and interest in the public. A less confrontational police service, in other words, may be one that is less likely to be there when needed. Those who demand unrealistic levels of accountability from the police, may, if they keep it up, get their wish.


I would hope that police administrators, supervisors and trainers would impress upon their people that it is ethically, morally and legally right to use justifiable force - no more, no less. Officers

must be encouraged to do their jobs, develop their skills, and with common sense, do their sworn duty. We can neither run from nor change our entire system.

Most police agencies have proper use of force policies and training. There is no police agency in this country or the United States that allows or instructs its members to beat people or shoot them for no reason. As long as we hire and employ human beings to police, there is a chance for such incidents as the one in Los Angeles to occur. We are not immune. Is it a training failure, a supervisory failure, an administrative failure or a systems failure? Who knows. The human element fails in any such incident, for any number of reasons. We cannot condemn an entire police force, profession or class of people for the breakdown of a few individuals. Despite King and similar incidents, we must continue to do our jobs. Sometimes that job requires confrontation and the use of force. Most times it doesn't. A good cop - the average cop - knows the difference.

Cop-Bashing Is In Style With The Media

Immediately after the Rodney King incident the American media jumped on the bandwagon of cop-bashing. Within two weeks of the incident the TV serial "L.A. Law" presented a story about a man who panics when he realizes police are following him for a stop sign violation. A chase ensues whereby the L.A. cops stop him and (surprise, surprise) they DON'T beat him. The motorist is then charged by police and eventually found not guilty. His defence? Given the Rodney King incident he did not want to put himself at the mercy of the police.

The ABC Network, not wanting to be left out, presented an editorial commentary on the TV News show "The West" which trashed the San Diego Police for shooting 12 people in 1990. No details of the shootings were given. Many TV critics stated the show was not only very one sided but outright embarrassing. In this show the Rodney King incident was described as a routine traffic stop. No mention of the police chase. 

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Letters To The Editor

TREMENDOUS SOURCE

Your magazine has been a tremendous source of information and inspiration. Keep up the good work.

D. Duncan

Winnipeg, Manitoba

VERY INFORMATIVE

Please find enclosed payment for my next volume of Blue Line Magazine. This will be my second full year with the publication. I find it very informative, particularly the case law excerpts.

S. Steele

Nepean, Ontario

ARTICLE WILL HELP ENFORCEMENT

In the September 1991 issue there was an article entitled "Seatbelt Violations, Cost Versus Suffering" by Morley Lymburner. This article was well written and explains the police motivation for seatbelt enforcement in clear simple terms as well as giving the public positive motivation for buckling up.

I am requesting permission to reproduce this article by photocopy for the purpose of combining education with enforcement. The plan is to hand out a copy to a motorist with each ticket or warning issued.

J.J. Pollard

OPP Constable

Editors Notes

Sounds like a great idea. Other officers may do so as well. We would be interested in hearing the impact and results of such a concept.

THANKS FOR THE SUPPORT

On behalf of the members of the Profile 2000 Committee I would like to take this opportunity to offer you our sincere gratitude for your assistance with Profile 2000 - A Conference In Sex Crimes Investigation.

During this year of recession one of the first hurdles we had to overcome was informing the Sexual Assault Investigators across Canada of our Conference.

As we discovered there are very few avenues with which to notify police officers across this country of important upcoming events. There are even fewer that maintain as high a level of professionalism in publishing as does Blue Line Magazine.

The response we received from our advertisement in Blue Line contributed greatly to the success of Profile 2000.

"Profile 2000 - A Conference In Sex Crimes Investigation" will run next year from September 21 to 25, 1992. You can be assured that Blue Line will be our principal source for spreading information to the law enforcement profession.

Thank you for your support. We look forward to working with you again in the future and would not hesitate to recommend your publication to others.

Detective Wendy Lever
Chair

Profile 2000 Committee
Metropolitan Toronto Police

Editors Notes

Thanks for the kind words. We were happy to help and gratified to find that we could. Any agency holding an event that needs a little boost can get it from us.

READS EVERY ISSUE

I am a member of the RCMP, presently stationed at Prince Albert, Saskatchewan. I have been subscribing to your magazine since the summer of 1989.

I read every issue within a few days of receiving them. I have to give you a lot of credit for putting out a publication this interesting and informative for the people in our profession.

Jean Pepin

Prince Albert, Saskatchewan

GIVING THE EDGE

Blue Line is one magazine I enjoy reading every month and find very informative. I especially like your section on recent Case Law and feel it keeps me up to date with the various legislation. Your magazine has given the edge to many police officers.

Looking forward to my next issue.

Robert E. Johnson

Etobicoke, Ontario



Defensive Tactics

By Craig Best

Progressive Levels of Training Intensity

Part 2

Giving officers a couple of days of defensive training and then expecting perfection is like telling a new law student to watch a video and then go out and pass the bar exam.

Officers must go through three levels of training intensity in order to build the knowledge and physical capacity necessary to perform well in stressful and violent confrontations. These three levels of intensity are of equal importance regardless of the type of defensive function, be it empty hand control techniques, baton or firearm training.

Officers who are insecure with their ability to use control techniques will either be intentionally slow to arrive and respond to a violent incident, over react and use more force than is necessary or panic and freeze.

The three levels of intensity training are Static, Dynamic and Street Simulations. We could compare the levels to the child who must first learn to crawl, then walk and finally run.

Static Training

Static training takes in the three normal phases of learning so that the officer can now perform the task. Empty handed techniques can be performed without resistance, for example; blocking techniques which require the officer to step laterally to the outside of his/her opponent while moving the forearm which is closest to the opponent toward the inside in order to deflect an assault.

Baton training at this level of intensity would include performing techniques against air bandits with no impacts against solid objects. For firearm training at this level we use a range where we fire at silhouette targets for accuracy and eventually speed.

training bag such as those manufactured by Monadnock Lifetime Products allows the officer to strike at a moving target as his partner moves around the officer. This develops judgement of distance and use of target levels such as thigh and arm strikes as compared to head strikes.

Blocking drills can develop reflexes safely by use of a jumbo plastic baseball bat. First using large slow movements and then as the officer's ability to read body language increases strikes can increase in speed while using less body language. Protective gear is important at all levels of intensity.

For firearms, use of Dual-o-Tron or Rad-Com

type pop-up and turning targets is a good way to start the judgmental process. This also starts to familiarize the officer with his/her holster under timed conditions. Officers learn to break leather and shoot accurately within that all important three second period which is the time period that most shootings last.

Dynamic Weakside Block



< The suspect steps in to punch the officer at a slow speed (in practice) and the officer executes the block as practiced in the static mode. Only now he must become familiar to reaction time and body language.

Side view of Dynamic Weakside Block demonstrates the right hand offensive possibilities of this maneuver. The left arm sweep has exposed the suspect's left kidney for a retaliatory strike.



Dynamic Training

The next level of training intensity is where the officer begins to apply the technique to a situation using judgement. This is done in slow intentional and expected movements in order for the officer to start to develop his/her sense of distance and the reflexes required. As the officer becomes more capable, the movements are applied at a faster rate.

For empty hand techniques an example could be as follows; The officers adversary throws a slow punch toward the officer's head. The officer must use the side step and block in order to avoid being struck. (See Tactical Move #1 - October Issue) This is repeated until the officer can perform the movements quickly and effectively.

For baton training the use of a universal

Next Month

Street Simulation
The last level of intensity

Craig Best is the Founder of the Officer Survival Institute in Montreal and is the tactical training instructor for the Canadian Pacific Police. Comments and inquiries may be made by calling him at (514)699-6569 or (514) 591-9018

The R.I.D.E. Team

In the last several years there has been no community relations program that can come close to the impact of the drinking driving campaigns at Christmas time. The effort to make drinking and driving a socially unacceptable behaviour has seen great success. It is a tough job and one that has humour that only cops can fully appreciate. This is a salute to those boys in blue. Your community appreciates your efforts.



"They'll never notice in the dark!"



"I might need the ALERT here!"



"I think I might have one!"



"May I suggest in future you refrain from shouting, 'I'll check the broad with the big hooters!'"



"A twelve slice left over... FREE!"

You Can't Go Back

by Neil V. Thompson

You can't go back, time heals all wounds, real men don't cry. All of these sayings, while sounding fine and heroic are, quite simply, not true. You can go back. In fact, for some of us it is vital. Time does not heal all wounds. If not treated properly, we can again be victimized in exactly the same way and real men do cry, as many of you know.

The sun filtering through the tall oak trees caused patterns of light and shade to move lazily back and forth across the enameled dashboard of the old Ford. It was July, 1957 and dad had made sure he parked us neatly in the shade before slowly strolling off across the town square. Despite this however, it quickly grew hot and cramped, with my mother, younger brother and two sisters, all trying unsuccessfully to maintain our decorum. Everyone was admittedly getting a little antsy as the time went by and, as I recall, mom seemed to be the only one who knew what was going on. After what seemed an eternity, I asked her what we were doing sitting here for hours while dad walked from one store to the next in this little town called Bassano, some 160 miles east of Calgary. She patiently explained that dad had grown up here, hadn't been back in twenty years and he just wanted to visit with the people he had known when he was a child. Somehow, I seemed to sense this already. I sensed this was an attempt to go back, however briefly, to a time long gone. The town was, evidently, just the same as it had been in his childhood; the little two storey wood frame houses and shops lining the square and the people were the same, just older.

I felt a certain sense of melancholy watching my dad that day, for I sensed this was somehow more important to him than the other kids or even mom knew. I was only twelve, but I knew. Dad eventually returned to the car, got in and drove off and never was another word spoken about that day.

This series of articles may never help you during a car chase or a B&E in progress, but I hope that in those quiet times, when you are alone, or with your partner, you might think about or discuss some of the things you read here. It may

give you pause to reflect. To reflect on your own life, where you are going, what you are doing. To examine those things which might be keeping you from doing what you want, or being the person you really want to be.

This series will discuss a broad range of topics including: dysfunctional families, alcoholism, adult children, suicide, pornography, workaholism, sexaholism, suicide, self help books and groups. We will finally discuss the affect of the addictive personality on society today. The names of books on each subject will be provided along with self diagnostic charts and questionnaires. In addition, we will be examining the work of some of the foremost researchers and therapists in these fields.

The main focus however, will be on the abuse of children in our society, be it emotional, physical or sexual. It is my feeling, after talking with and listening to hundreds, perhaps thousands of men and women, peace officers and non peace officers, that the abuses encountered in dysfunctional families are responsible for most of the crime occurring in our streets and most of the unhappiness in many of our own lives.

It is my considered opinion, and that of most counselors and psychologists that I have spoken with, that we cannot win this war on crime until we find a way to reach those helpless children, who are abused daily, in the tens of thousands. These children, who at an early age learn not to trust, speak and feel, need to know early in life that we, society, do care and will help them. We as police officers don't normally become involved with these kids until it is too late, until they are hopelessly cut off from the reality which should be theirs. Until they have become thieves, burglars and murderers.

Isn't it odd, that we have to take tests to get jobs, drivers licenses and other

credentials. We have to be checked out by any number of people and fill out forms ad infinitum, sign papers till our arms are sore to buy a house, a car or to obtain a credit card. Yet, if a person wants to have a child, abuse it in any number of ways, raise it any way they please and destroy this most precious of life forms, condemning it to a life of misery, he/she just has to be alive, potent and be able to perform a brief physical act.

Its a little difficult to understand.

NEXT MONTH:

A boy - History's Most Infamous Mass Murderer.

About The Author

Neil V. Thompson



Neil is a Staff Sergeant with the Vancouver Police Department. He is a graduate of Laurentian High School in Ottawa and received a Diploma in Civil Engineering Technology from Algonquin College. Having recently completed the academic portion of the Counseling Skills Certificate Program at Vancouver College, he is currently finishing the 40 hour counseling practicum necessary to obtain the certificate.

In addition, Neil has completed the Sterling Mens Weekend in San Francisco and The Excellence Series of Self Development Courses facilitated by Context Associated. Future plans involve the formation of a small consulting firm, specializing in the issues arising for individuals raised in dysfunctional family systems as well as pursuing a degree in Counseling Psychology.

New Mobile Computer From Bell

Ruggedness, versatility and 386 processing power characterize the Universal Mobile Computer 3000 (UMC-3000), which is custom designed to withstand the environments of Canadian police vehicles.

The computer runs at 20 MHz and is full IBM compatible. Its memory can be expanded from 1 to 8Mb and comes with a 60 or 80 meg storage capacity.

The heavy duty LCD screen offers adjustable contrast, and is very easily read, no matter what the lighting conditions are.

The UMC-3000 keyboard has 92 keys, including special status message shift keys, and one protected emergency key. The status/message keys change colour when depressed to provide visual feed-back to the user. For full night-time vision, the keys are backlit, with a control to vary intensity. The



keyboard is sealed against dust particles and liquids.

To simplify connection in any kind of vehicle, the UMC-3000 is equipped with one single quick connect/disconnect plug: the computer is automatically connected when installed in its holding tray. This single plug incorporates power, two serial ports, one parallel port and one external audio port in case of emergency. It can then support a radio modem, fax, printer or any other mobile specific device.

An optional internal battery can extend full function operation to nine hours, or 18 hours of standby time.

The Universal Mobile Computer 3000 will be priced at \$7,395.00. For more information contact Maurice Rompre, Bell Radiocommunications Inc., 7350 TransCanada Highway, St. Laurent, Quebec, H4T 1A3. 514-345-1444.

Keeps Your Handgun Secure

Bedford Technologies, Inc. has introduced the Guardian Security Closure, the world's only instant access safe. It provides instant access to handguns or other items that may be needed at a moments notice. Handguns are locked safely away in a case of heavy steel construction, yet are easily accessible. It can be opened in less than one second, even in the dark, since it is activated by touch, not sight.

The newly developed access system, unique in the industry, utilizes a pattern recognition array which electronically scans your fingers when you try to open it. Within milliseconds, the Guardian Security Closure decides if the person is the proper user and unlocks itself. It also keeps track of attempted openings by unauthorized persons. There are over 65,000 possible combinations which can be programmed into the closure, yet still be unlocked instantly for the right person(s).

For more information contact Bedford Technologies, Inc., PO box 448, Rolla, Missouri, 65401 or call 314-364-7021.

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Calendar Of Up-Coming Events

November 13 - 15, 1991
1991 APCO CANADA CONFERENCE
North York, Ontario

The Associated Public Safety Officers of Canada will be holding their annual conference at the Inn On The Park in North York Ontario. This will be of particular interest to persons involved in radio communications for emergency services. Any members wishing to attend the conference or become a member of this organization are encouraged to contact David Ralph at (416) 392-2199 or FAX (416) 392-2027 or David Smith at (416) 392-2174.

February 17 - 20, 1992
**POLICING IN THE GLOBAL
COMMUNITY**

The Challenge Of Leadership

Simon Fraser University and the Justice Institute of B.C. will be holding this seminar which is designed for police managers. It will address the critical issues of vision, organizational leadership and creative adaptation to change. Symposium program and registration information will be available in September. Further information call B.C. Police Academy (604) 228-9771 Ex.257 or FAX (604) 660-1875 or Simon Fraser University at (604) 291-3792 or FAX (604) 291-3851.

March 2 - 5, 1992
JUSTICE: EXTENDING THE VISION
**A National Conference on Victimization
and Recovery**
Victoria, British Columbia

This conference is targeted to everyone in the fields of justice, social services and mental health. Prominent keynote speakers and workshop leaders will address emerging issues in the areas of victimization and recovery in Canada. Workshops will include Family and Sexual Violence, Victims as Witnesses, The Victim/Offender Continuum. For further information contact Shelley Rivkin, Justice Institute of B.C. (604) 222-7251. (Note: This is not a COVA Conference)

March 17 - 19, 1992
EMEX 92 INTERNATIONAL
San Francisco, California

The 1992 International Emergency Management Exposition and Conference, featuring products and services for emergency disaster preparedness, will present a comprehensive conference program. The three day conference will present demonstrations, lectures, seminars and a trade show. For further details contact Carol Davis-Beach (617)449-6600 or FAX (617)449-6953.

May 13 - 15, 1992
RADIOCOMM 92
Montreal, Quebec

RadioComm is Canada's only trade show dedicated to mobile communications. This event will be held in the Exhibition Hall South, Place Bonaventure in Montreal. The RadioComm Association of Canada will hold its annual convention at the same time. For further information contact Peter McLean or Carole Meyer at (416) 252-7791 FAX (416) 252-9848

June 01 - 04, 1992
TRAFFIC CRIME SEMINAR
Toronto, Ontario

The Metropolitan Toronto Police Traffic Operations will be hosting their third annual Traffic Crime Seminar. This event will include a week long series of seminars related to Hit and Run and serious accident investigations. Members attending this year's event will be broken up into investigative teams and carry out a detailed investigation of a fatal Hit & Run incident. Number of attendees is limited. For further information and registration contact Christina Stambulski at (416) 324-0557 or FAX (416) 324-1902.

August 2 - 7, 1992
I.A.A.T.I. DISCOVERY 1992
Toronto, Ontario

The Metropolitan Toronto area police forces will be hosting the International Association of Auto Theft Investigators 1992 training seminar. All police agencies in and around the Metropolitan Toronto area will be assisting with this international

event. The convention will include seminars, workshops and exhibitor displays related to the auto theft prevention industry. Contact person is D.Sgt. Chris Hobson (416)324-6260 or Roger Overton (416)252-5215.

September 21 - 25 1992
PROFILE 2000
Toronto, Ontario

The Metropolitan Toronto Police Sexual Assault Squad will present a four day sex crimes seminar. Several experts and international key-note speakers will be featured. For further details contact Sgt. Wendy Lever at (416) 324-6060 or FAX (416) 324-0697.

For inclusion in this column we must have at least two months advance notice. Please try to keep the description of your event to 30 words. (Not including Title, Contact Name and Phone/FAX) It may be faster to FAX your announcement so feel free to use our 24 hour Editorial FAX line - (416) 293-0526.

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Two Level Computer Security System

A British company has developed two highly innovative security systems, one for laptop and the other for personal computers.

The Laptop Protector from Harvest Electronics is a hardware-based security system which incorporates both a motion detector and a proximity detector. When the computer is being used on a stationary surface such as a desk, an alarm will be triggered if the equipment is moved, thus deterring both its removal and the accessing of sensitive data. The alarm has a built in time delay to allow it to be switched off by the authorized user.

The proximity detector is primarily designed for use during traveling. It consists of a small receiver which is carried in the user's pocket: if this is separated from the computer by more than 10m (33 ft) a warning tone sounds. This serves the dual function of deterring theft and preventing the computer being left behind in error.

The Datalarm is a complete PC computer security system, believed to be the first of its kind in the world. It is built

into a half-size expansion board, and provides hardware-based protection for both the computer itself and the data it contains.

Security is provided on two levels. First, even if DOS disk is inserted, the PC will not boot unless the correct password

has been entered: incorrect passwords will activate an audible alarm. Secondly, if the equipment is moved, the 90 dB alarm will sound.

Enquiries from prospective Canadian agents are welcomed by the company, Harvest Electronics Ltd., 8 Sharpes Mill, White Cross, Lancaster, Lancashire, England, LA1 2XQ. Contact Mr. D. Hoyton, +44 524 382082, Fax +44 524 382090.

Blue Line

FLASHES

By Tony MacKinnon

"Ha! Put a curse on me.
Who does that stupid old
woman think she's
dealing with?"



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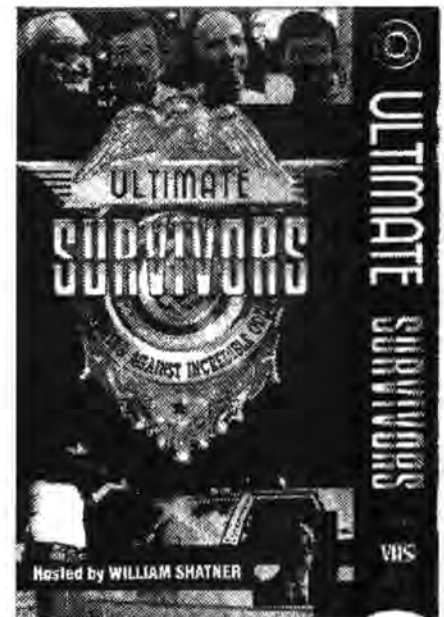
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- A crash on a high-speed chase trapped Mike Buckingham inside a flaming patrol car. The "fires of hell" destroyed his flesh - but not his spirit. Today he's saving other lives.
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Ontario Solicitor General Defines Police Political Activity

Ontario Solicitor General Allan Pilkey has announced a Police Services Act regulation which defines permissible political activities for Ontario municipal police officers.

The regulation permits police officers to engage in most political activity while off duty and not in uniform, and to express views as individuals as long as they do not associate their position as a police officer with the issue or represent their views as those of the police service. The regulation was developed in consultation with the Ontario Association of Chiefs of Police, the Ontario Association of Police Services Boards, and the Police Association of Ontario.

"The key to developing a fair regulation is to ensure its consistent application across

the province," said Mr. Pilkey. "We believe this regulation strikes a balance between the rights of all Ontarians to receive the same high degree of impartial and politically neutral policing services, while guaranteeing the individual rights of police officers as members of their communities."

Under the old Police Act, which the Police Services Act replaced, policies governing the political activities of individual police officers were not addressed. Consequently, local policies and the resulting restrictions could vary widely.

"Our partnership with the policing community continues to be vital in formulating Police Services Act regulations," said the Solicitor General.

New Approach To School Security

In Florida, public school officials have found a cheap and reliable method of providing their grounds with good security. Joseph Barnett, capital outlay manager for the school district in Alachua, says, "Our schools get police protection all night, over weekends and during vacations." Administrators of the school district invited police and sheriffs from Alachua county and Gainesville to live on the land in and around the school grounds.

The officers reside in mobile homes and their property rent, along with utilities, is completely paid for, excluding telephone bills. The mere presence of parked police cars is enough of a menace to possible vandals. At dusk the police check the school grounds, and they must respond to any local alarms as well. Plus, no one knows if the police are in the trailers or not, further discouraging any wandering eyes and sticky fingers. This idea will be expanded to include near half of the county's 45 schools, according to Barnett. There is already a waiting list of prospective officers.

Video Wins Four Top Awards

"Ultimate Survivors," the new videocassette from Calibre Press, has won a first place trophy in the 1991 Law Enforcement Video Association (LEVA) International Video Awards Competition.

The 85-minute officer survival video was given LEVAs Award of Excellence as the years best production in its category during ceremonies recently in Miami, beating out 130 other contenders.

Since its release last May, Ultimate Survivors has won four major film festival competitions. Its other top honours include:

- > A Golden Eagle Award from the Council in International Non-Theatrical Events (CINE), which now makes Ultimate Survivors eligible to compete for an Academy Award;

- > First place for docu-drama in the Suffolk County (NY) Film & Video Competition, and

- > A Special EDI (Equality, Dignity and Independence) Award for Excellence for the National Easter Seal Society.

The video, hosted by William Shatner and created by Dennis Anderson and

Charles Remsberg, documents the exceptional stories of four police officers and their winning battles to overcome the incredible consequences of violent events. It is available in Canada from Blue Line Marketing. (See Ad this issue)

"Claim everything, concede nothing, and if defeated, allege fraud."

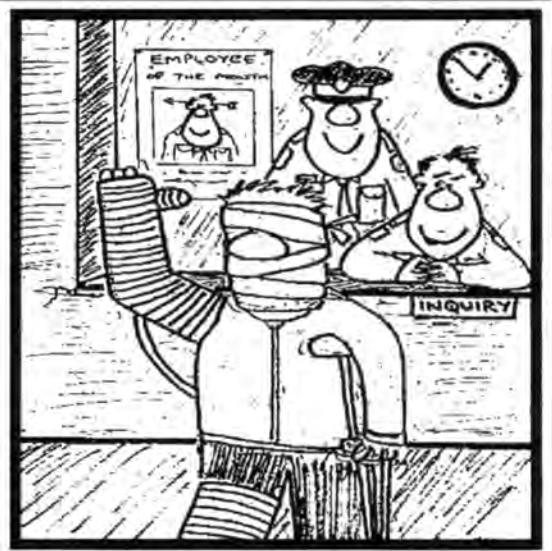
-Tammany Hall Maxim

Blue Line

FLASHES

By Tony MacKinnon

"I told him, assaults like that are handled by the next shift."



Innovative Alberta Program CALL 911 Report An Impaired Driver

On June 17, 1991 the Honourable R.S. Fowler, Q.C., Solicitor General of Alberta, announced the establishment of the Report An Impaired Driver program (RAID) in Alberta. In announcing this program, Mr. Fowler stated that, Alberta motorists cannot be expected to share the road with someone who drives after drinking. Driving while impaired is not only a serious criminal offence, it is the cause of senseless social and emotional costs to the victims, to the driver and to all other Albertans.

RAID provides private citizens with the opportunity to participate directly in the fight against impaired driving. By calling 911 or 0, Citizens can relay the location of the driver, direction of travel, time they saw the driver, licence plate number, and the make and colour of the vehicle. This information assists the police in apprehending the impaired driver before that person causes serious injury or death to themselves, family members or other innocent people.

In 1989, some 163 people died on Alberta highways as a direct result of drinking and driving. In addition, over 3,139 Albertans were injured in motor vehicle collisions where alcohol was a contributing factor. Over one-third of all traffic fatalities in 1989 were alcohol related, with over 18,000 people being charged with impaired driving offences.

The RAID Program is another component of the Alberta Government's Strategic plan, introduced in 1988, to reduce the incident of impaired driving in Alberta.

To inform Albertans of the RAID Program, posters and brochures were printed and made available at information centers located across the province. In addition, displays were set up at major events over the summer months.



Law Enforcer Loves Lada

When it came time for Police Department Chief Doug Home of Hartland, New Brunswick, to replace his police vehicle, he came up with an innovative idea. Instead of the traditional full size police sedan, Chief Home opted for a Lada Niva 4x4 which delivered some exceptional benefits as well as attracting a lot of attention.

Hartland is in the middle of New Brunswick's finest agricultural area and the police department must patrol hundreds of acres of rural terrain including some of Canada's finest potato fields. Since the force only has two vehicles in total, the Niva's ability to deal with off-road situations is a terrific attribute.

The vehicle is also ideal for patrolling the town's streets, especially from a budget perspective. I can go for nearly two weeks without gassing up. That's quite a saving in fuel consumption, Chief Home is proud to explain. The Lada Niva's

initial price tag is a further consideration - the 1991 list price for the dressed up Cossack version is under \$10,000, much less than a conventional police vehicle can be had for. Hartland, like all small communities, is careful about its expenditures and the Chief is happy when he can stay within budget.

The Niva has been painted in the Department's colours and has attracted a lot of attention. According to Chief Home, word of the unique police vehicle has spread right across the province bringing some notoriety to the town. The people in the area seem to generally like the vehicle. They sure take a second look when we pass on the highway, says Home.

So far the Niva is fulfilling the Chief's expectation in most every way. If things continue as well as they've been going so far, we'd look at purchasing a new Niva when this ones up for replacement.

Here Comes The Groom

Ottawa Crime Stoppers received a tip that a Canada wide fugitive, wanted for attempted murder and parole violation, was to be married on July 19 and then would rob a bank to pay for his honeymoon.

Investigators arrested the suspect

enroute to the wedding. The detectives had reason why this man and woman should not be joined in marriage.

Coordinator Sgt. Robert Kerr adds that it was rumored the Justice of the Peace would marry them in prison; the wedding still did not take place.

Technology: Tom Rataj

Computer Woes

Part 1: Regaining Control

COMPUTERS! They are everywhere. What did we ever do without them? It seems these days you can't get away from them. Its even become fashionable to have a home computer, so you can allegedly bring work home and spend more time with the kids. This despite the fact that they are probably doing their home work on the thing already.

Seriously though it is becoming increasingly difficult to avoid them, or to do without them. Just think of how handicapped we feel when CPIC is down, even for half an hour.

The computer has provided us with the capability to enhance our information handling capabilities in an efficient and effective manner. This capability is further enhanced through the development of some software packages designed specifically for the police.

Computer technology has advanced to its current state where a single desktop P.C. (personal computer) is capable of performing many tasks simultaneously at speeds exceeding those of equipment from just several years ago. The problem is that many business organizations look upon the P.C. only as a single use tool, and seriously under utilize the expensive equipment, often by purchasing stand alone units for specific projects or uses, without any apparent realization of their full potential.

For a revenue generating business this could lead to financial ruin, while for tax funded organizations such as the police, this consumes excessive amounts of ever shrinking budgets. We must all remember where those shrinking budgets are in fact coming from. Take a look at your next

pay cheque....OUCH!

The most obvious solution is to approach the problem in an organized and methodical manner. To spend hundreds of thousands of dollars on the purchase of numerous stand alone systems, often of different types, makes absolutely no sense. This soon becomes painfully obvious when several different systems are required in order to complete routine work, with every stand alone system requiring independent input of the same information.

Before any or more money is spent on computer equipment a comprehensive and strict computer policy must be established and followed. Since the computer industry is such a specialized field unto itself, it would make sense to hire a computer consultant to assist in establishing this policy. The policy should establish base criteria for all hardware and software purchases, with some variances allowed, but only when those variances provide complete compatibility with the base criteria. This policy would prevent most of the problems caused by the stand alone syndrome, while providing cost effective and efficient information handling. Ultimately though, this also follows through in that each police force cannot operate in a stand alone environment, since information sharing between forces is almost as crucial as information sharing within individual forces. This concept aptly shows its value in the CPIC system.

Next Issue:

Computers:

"Where we usually go wrong."

Mr. Tom Rataj works at #3 District Headquarters Planning Office for the Metro Toronto Police Force. His responsibilities include overseeing computer technology implementation.

Technician Awarded



At the recently held Airborne Law Enforcement Association Conference (ALEA) held in Mobile, Alabama, MBB Helicopter Corporation presented the Maintenance Technician of the Year Award to David Marquez of the Huntington Beach Police Department.

Marquez started at the Huntington Beach Police Aero Unit in 1979. In 1990 they had an extraordinary year, as they had no down time due to mechanical problems. The reason for this has been attributed to Marquez. This effort was recognized as quite outstanding in that the Huntington Beach Police log over 3,000 air hours annually.

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Vehicle Impoundment Law In Alberta Now Includes Suspended Drivers

Alberta may be the second province in Canada to have vehicle impoundment as a penalty for people who drive while under suspension. Bill 39, the Motor Vehicle Administration Amendment, was recently introduced in the Alberta legislature by Solicitor General R.S. Fowler. Bill 39 will provide new penalties for people who continue to drive after their license has been suspended. Under this Bill, a vehicle driven by someone with a suspended license will be immediately seized and immobilized or impounded for 30 days.

Research suggests that up to 65 percent of drivers with suspended licenses continue to drive, said Mr. Fowler. This Bill provides immediate consequences to those people who continue to drive after their license is suspended.

The mandatory license suspensions, introduced in 1988, for impaired driving offenses have increased the number of license suspensions in Alberta. Driving privileges of approximately 62,000 Alberta drivers are currently suspended.

Under the Motor Vehicle Amendment Act, a Vehicle Seizure Program for drivers with suspended licenses will be introduced. Vehicles operated by drivers with licenses suspended for alcohol-related offenses, for demerit points, and administrative reasons, such as the non-payment of fines, will be seized for 30 days. If the driver under suspension does not own the vehicle being seized, the owner may apply to the Driver Control Board to have the impounded vehicle released. The vehicle owner must demonstrate that they had no means of knowing the driver's license was suspended. After the 30-day impoundment, vehicles are released upon payment of all towing and storage costs.

Similar Manitoba Law Started in 1989

A similar program has been operating in Manitoba since November 1989. Approximately 2,600 drivers with suspended licenses had their vehicle seized in that province last year. In Alberta, it is estimated that annually up to 6,000 drivers with suspended licenses will have the vehicle they are operating seized.

Another provision in the legislation will allow peace officers, at their discretion, to immobilize an alleged impaired driver's vehicle for 24 hours. Currently, this provision is only applied when a peace officer believes an arrested impaired driver may drive again before his vehicle can be temporarily immobilized.

If the initiatives to reduce impaired driving introduced in 1988 are to be effectively enforced, the 24-hour suspension provision must include a significant deterrent for alleged impaired drivers. This legislation demonstrates our continued commitment to ensure the safety of all Albertans, concluded Mr. Fowler.

The Canadian Police Riot Helmet

The CANADIAN Police Riot Helmet is the culmination of a five year joint effort between Biokinetics and the RCMP (Royal Canadian Mounted Police, Science and Technology Branch).

Designed to meet the requirements of the recently published Canadian Standards Association standard for Police Riot Helmets and Faceshield Protection, CAN/CSA-Z611-M86, the design is unique in that it protects against many of the hazards not previously addressed in other helmet designs.

A combination of fibre reinforced resin and four different polymers has resulted in a helmet that provides protection against a steel pipe to the face as well as it does to the rest of the head. The CANADIAN Police Riot Helmet is also impervious to caustic liquids and flaming hydrocarbons, and possesses a faceshield with optional properties equalled only in NATO aircrew helmets.



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Cops and Disabled Kids

A dynamic recipe for success

By Fred Willison

The 9th annual Metropolitan Toronto Police Disabled Children's Games were held on Saturday, May 25, 1991, at the Variety Village Sports and Fitness Centre, 3701 Danforth Avenue, Scarborough. A barbecue feast for participants and volunteers and entertainment by Badge made the day even more special at the end of the competition. This year ten teams, representing schools and organizations from southern Ontario, competed to test their athletes skill and endurance. Areas represented included St. Catharines, Thornhill, Mississauga, Uxbridge, Oshtawa and Metropolitan Toronto.

The Organizing Committee

The organizing committee for the Games, coordinated by Constable Fred Willison and Sergeant Alan Armstrong, has been comprised mainly of Force personnel. The majority of the funding has been provided by the Amateur Athletic Association. The largest expenditure, but most meaningful, is volunteer hours. Nearly 200 volunteers attended and helped with the Games. The generosity of the volunteers from the police and auxiliary forces, cadets, civilians, friends from the community, and the correctional officers from the three Metro facilities was much appreciated by the children. They helped to make the Games a tremendous success.

FROM A MEAGER BEGINNING...

The concept of the Metropolitan Toronto Police Disabled Children's Games was developed in 1983. It stirred a great deal of excitement, anticipation and hope amongst the staff and children who worked

at and attended Variety Village sports and Fitness Centre in Scarborough.

The purpose for police involvement was due to a realization of the need to meet a strong medical commitment in keeping disabled children physically and mentally active through athletic competition.

With the Metropolitan Toronto Police Force endeavoring to adopt a high profile and positive community image,



while at the same time serving all segments of society, these competitions were received throughout Metro with a high level of respect and admiration. Our participation further supported and recognized one of the world's most modern facilities for the disabled.

With guidance and assistance from the administrators of Variety Village, the police developed a program which met the needs of the children and challenged their competitive spirit.

Variety Village attempted to schedule competitive events every six to eight weeks throughout the year, encouraging and preparing these children for summer Olympic competitions. The Junior Board of Trade, the University of Toronto, Durham Regional Police Force and a few well known corporations sponsor their own disabled competitions. There was a need for a sponsor in May before the children move to outdoor facilities. This

annual commitment was taken on by No. 4 district in 1983.

From a meager beginning in 1983 where sixty children from six different Metro area schools participated, the Games have grown to as many as fifteen teams from all across southern Ontario, with one hundred and fifty athletes. This years total was slightly below normal due to the fact that four schools were scheduled to go to regional qualifications the next day. Most schools fielding teams have a qualifying process, thereby ensuring the Games of top line competition.

The concept of the Games is viewed as a mini Olympic Game. These Games are also the only Games that give team awards for combined efforts instead of just individual achievement awards.

Guest Of Honour Opens Games

Each year a guest of honour is selected from one of the participating schools or organizations. This year 18 year old Joe Arnold of Toronto, was escorted to the Games in the R.I.D.E. van and greeted by Chief of Police, William McCormack. Joe,

who suffers from cerebral palsy, was escorted to the Fieldhouse of Variety Village where the Games were officially opened.

This years opening ceremonies consisted of a simulated Olympics march past of athletes and torch lighting by the Guest of Honour. Inspector Gary Grant, President of the Amateur Athletic Association, the primary sponsor of this event, presented the organizing Committee with a cheque of \$3,500.00 to cover some of the expenses.

The children once again rose to the occasion and amazed the volunteers with their prowess in the track and field events.

Participation medals donated by the Metropolitan Toronto Police Association were distributed by Association President, Art Lymer. Everyone was a winner.

Next year will mark the 10th anniversary of the Games. It is truly a worth-

while experience, a wonderful example of community policing in action. Why don't you plan to be there?

How To Organize Your Own Games For The Disabled

It is strongly recommended that your Force commit the manpower and monetary funds required to professionally sponsor and host an annual competition for disabled children. There is a great deal of planning and organization required by a few dedicated and committed individuals in order to stage an event of this kind. But, if you can pull it off, the looks of joy and admiration on the faces of these young disabled athletes will make the whole endeavour most worthwhile.

FACILITY:

Finding a facility to house an event of this magnitude may take some doing. We, in Metropolitan Toronto, are fortunate to have a world class facility like Variety Village. You might decide to look for a high school gymnasium, an arena or a community hall. Wherever you choose, make certain it is accessible to the disabled. If you have a children's centre in your area, ask for an employee to be appointed to your planning and organizing committee. This staff member would be of great assistance in the actual running of your Games.

TIME:

Once you select an appropriate date (after consultation with children's centres in your area), these events can take place in a morning from 9:30 a.m. to 12:00 noon. A barbecue is a good idea following the Games, with an awards ceremony at 2:00 p.m. wrapping up the day.

COST:

Advertising, buttons, medallions, plaques, t-shirts, hats, refreshments and lunch all

cost money. Donations can be solicited from various police organizations - station coffee/pop fund, Senior Officers, War Vets, Police Association, etc. Considering the nature and image projected by these Games, I believe you could easily obtain donations of food and refreshments. Your Force should not, however, revert to these measures because of budget restrictions. Consider the possibility of sponsorship from good corporate citizens in your community.

LIABILITY:

A standard medical/injury waiver, signed by each participant and his/her parent is mandatory before they are permitted to



participate. With the modern facilities at Variety Village, the nature of the events actually played and the qualified staff and volunteers, there has never been, throughout our years, an injury to a child. As well, ambulance personnel are provided to us each year to assist with any medical problems the athletes may encounter.

ADVERTISEMENT:

The production and distribution of posters, a news release and any force publications are good ways to advertise your event. Seek exposure through all avenues of public media.

VOLUNTEERS:

Encourage off duty police officers, their spouses and families to help out at these events. The children like to see the uniform. Contact your Chief and request that officers be allowed to wear uniform shirt and pants and running shoes rather than issue boots. The most meaningful expenditure is volunteer

hours. Consider asking your Auxiliary force, cadets, civilians and friends from the community. All these people will help to make your Games a tremendous success.

REFRESHMENTS:

A large cafeteria, patio area or even a parking lot would be the ideal setting for all participants to attend for refreshments and lunch. The participants, accompanied by their families and together with the many police and volunteers who have given their time should be recognized with refreshments and lunch. Because of the various disabilities and time factors, hot dogs have proven to be the most appropriate food.

EVENTS:

Working with the staff at Variety Village, we were able to develop a fair and equitable program which was suited to the various disabilities we were likely to encounter. The track events we have are the 60m, 200m, and relay, while the field events include club throw, discus moonball, bean bag and slalom. Individual athletes are allowed to enter only three events plus the relay.

AWARDS:

One large, prestigious trophy indicative of your Force should be presented annually to the winning team of disabled children representing their school. A smaller plaque should be given for permanent display in their school. A plaque for outstanding individual effort can be awarded to a girl and boy. The highest score (male and female) can also receive a plaque. The second and third place teams can be awarded plaques. Pins, buttons and medallions should be budgeted as mementos for participating children.

Photos of your uniform and volunteer personnel assisting disabled children reflect a positive public image.

TERMS AND ENTRY CONDITIONS

The staff at Variety Village helped us develop a fair and equitable program

(Continued On Next Page....)

(Continued from Page 17)

suiting to the needs and disabilities of the participating children.

Each team consists of ten athletes who take part in the following events:

1. **Electric Wheelchair - 2 persons**
3 events: slalom, moonball push, bean bag throw
2. **Manual Chairs - 6 persons**
3 events: 60 metre, club throw/200 metre, slalom
3. **Ambulant - 2 persons**
3 events: 60 metre, discus, 200 metre

We have a 60m shuttle relay event at the conclusion of the other events which is contested by one from each team in the following categories: spina bifida, cerebral palsy - manual chair, electric chair user, walking participant.

On many occasions, police officers, face negative criticisms from certain segments of the population and also from some of the media. Morale can descend to unprecedented lows as the officers on patrol attempt to function under this dark cloud.

Children with disabilities don't complain. They have accepted, for the most part, their lot in life. Anything you do on their behalf is appreciated. One only has to look at the expressions of joy and excitement on their faces and you know you are making a difference.

Maybe your Force could use such a morale booster. The respect and admiration that an officer receives both during and after an event of this kind will go a long way in restoring that officer's faith in society. This is truly a worthwhile experience for all who participate in it!

If you would like more information on how to organize an event like this, contact the writer at the address below. Over the years, the organization of the Metro Toronto Games has been put on computer. A booklet could be prepared to send out to anyone needing further organizational tips. Contact Cst. Fred Willison, Metro Toronto Police, Drug Education Unit, 4 District Headquarters, 1001 Birchmount Road, Scarborough, Ontario, M1K 1S1.

Manitoba Amends Vehicle Impound Laws

Changes to Manitoba's car impoundment legislation, including doubling the period of vehicle impoundment for owners whose vehicles are seized more than once in two years, have been announced by Highways and Transportation Minister Albert Driedger.

Introducing Bill 46 for second reading in the Legislature, Mr. Driedger said the changes to The Highway Traffic Act also include administrative improvements to eliminate significant problems and increase the effectiveness of Manitobas unique impoundment laws.

The provisions of the bill include:

- Impoundment of vehicles for 60 days where the owner has had two or more vehicles seized within two years for being driven by a suspended driver, and the impoundment order was not revoked.

"This will double the cost and double the inconvenience to vehicle owners and, we trust, will discourage repeat offenders," Mr. Driedger said.

- Allowing garage keepers to gain title to an unclaimed car if there are no third-party liens against it.

"The cars in question are those that are unclaimed for 90 days and are worth less than the amount of lien charges against them," Mr. Driedger said.

"The problem is particularly acute in remote areas, where the cost of towing cars to car auctions can be prohibitive."

- Allowing police not to effect impoundment on the spot, as is now required, but to do so later either at a

predetermined place or by applying to a magistrate for a warrant.

"Immediate impoundment without discretion can cause hardship in remote areas of Manitoba," Mr. Driedger said. "Seizing a car on a northern highway in the middle of winter and leaving the occupants on the side of the road, miles from home, could endanger their safety."

- Specifying in the legislation the reports and materials that a magistrate hearing a request to revoke an impoundment order against a vehicle should consider in making a decision.

"Existing practice will not be appreciably changed, but the amendments will clarify what a magistrate should consider in determining whether an owner knew or ought to have known of a suspension," the Minister said.

- Making quick release of an impounded vehicle possible if it is discovered that the vehicle had been seized in error under the impoundment legislation. In such cases, the Minister of Justice will be able to waive fees and compensate owners for direct costs incurred.

Manitoba's vehicle impoundment law was implemented in November 1989 as part of the toughest drinking and driving legislation in Canada. The legislation also included immediate licence suspensions for drivers who were caught driving with blood alcohol content over 80 mg% or refused to take a breathalyzer test.

"We must continue to strengthen our drinking and driving legislation and find more effective ways of fighting drinking and driving," Mr. Driedger said. "It is with this goal in mind that the bill has been introduced."



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No Right To Consult Parent During Investigation

Regina Vs. MacD.(H)

A Young Offenders Court in British Columbia has ruled that police do not have to advise a young person of his right to speak with his parents prior to questioning if the youth is being questioned as part of a larger investigation in which he is not a known suspect.

The young person was under 18 years of age when police questioned him about what he may have seen with regard to a homicide investigation. The person gave a statement to the officer and at a later date police charged the youth with

the murder.

At trial the Crown attempted to enter the youth's statement into evidence. The court refused because the youth was not advised that he could have his parents present during the questioning. The court rejected the statement and the case was dismissed.

Upon appeal the Judge advised, that the police were within their rights to question the youth as he was not at that time suspect. The ruling stated that the guarantees in Section 56 of the Young

Offenders Act were put in place to protect offenders not young people who are merely questioned as potential witnesses.

The court must look at all the surrounding circumstances to determine whether the young person giving the statement was a suspect at the time, the ruling stated. The ruling continued by stating, otherwise the youth are simply individuals drawn into an inquiry in good faith by persons whose duty involves the investigation and detection of crime.

Entry Not Legal At Noisy Party

Regina Vs. Thomas

Three counts of assault police as well as one of Obstruct Police and Destroying Government Property was dismissed by a Newfoundland Appeal Court after it determined police officers were trespassing when the arrests took place at a noisy party.

The incident arose after police in St. John's attended a noisy party of around 40 persons at a house. Evidence revealed that the party goers had speakers blasting at maximum volume around the outside and inside of the house. Several attempts to quieten the party failed and police requested to be admitted to the home to speak to the hostess.

Two male persons permitted the officers to enter via the front door and directed them to a second floor room where the officers located the owner at around 2:30 A.M. The officers spoke to the woman responsible for the party and at some point she ordered the officers to leave the party. At this point a fight took place between the officers and the party goers.

Numerous people were arrested at

the party and taken to the police station. The officers forgot to take one person though. The woman who was responsible for the party was handcuffed but inadvertently left at the house. When officers returned for her, they found that she had cut the handcuffs off. This brought about the damage charge.

In dismissing all charges Chief Justice Goodridge stated that while Mr. Tomlinson (the person at the door) had express authority to invite guests to the home, these would be guests who intended to join in the revelry of the night, not to policemen entering for other purposes.

The Chief Justice continued by stating the police had entered the house in good faith and with implied permission. That permission, however, expired upon the hostess ordering them to leave the premises. Thereafter whatever right they had to be in the premises ceased and they had no authority to remain, said the Chief Justice.

In the ruling the Justice pointed out that a man's home is his castle and

police can only enter if authorized by statute, common law, or invited by the owner or his agent. The court ruled by the time the arrest was made the officers had complied with none of the three options.

Entry by Statute was pointed out to be a law that would make the offence arrestable. The offence in this matter was pointed out to be a Municipal Noise Bylaw with no powers of arrest.

Common Law exceptions include entry to prevent death or injury or the destruction of property or evidence or in fresh pursuit of a fleeing felon. Other forms of allowable trespass included the installation of court ordered wiretaps.

The Justice ruled that the officers actually entered the residence to conduct an investigation and for this they needed permission.

The Justice concluded the officers should have requested to have the hostess come to the front door and if she refused, should have then sought a warrant to force an entry.

ALERT Testing Must Be Immediate

Regina Vs. Grant

The Supreme Court of Canada brought down a ruling last month that will prohibit officers from waiting for an ALERT instrument to be delivered to perform a test on a suspected motorist.

The ruling was long awaited but was no real surprise to most people watching the case go through the judicial system. Its final resting place at the Supreme Court of Canada simply helps to clarify the issue.

The Crown could not find a more losing case to bring before Canada's top court. On December 4, 1987, an officer in Prince Edward Island gave evidence at the original trial that he saw a man whom he believed to be the accused and thought was under suspension. The officer pursued the car and lost sight of it temporarily. He then found it parked and located the owner some 300 feet away from the car.

Upon stopping the accused the officer advised the man he was under arrest for driving while disqualified. The officer did not read the accused his Charter Rights. He did note, however, that the accused had a smell of an alcoholic beverage on his breath. He then demanded the accused remain in his police car while a Roadside Screening Device (now referred to as an Approved Screening Device) was brought to him.

After some 30 minutes a second officer delivered the instrument and when presented to the accused he refused to supply. The accused was charged with the refusal as well as driving while disqualified.

This case was a loser at all levels of trial and appeal. When last heard from the Prince Edward Island Supreme Court made it clear that there were too many borderline problems with this case. The identification of the accused was weak at best. The demand given was questionable. No Charter Rights given for the arrest on Drive Disqualified and finally the half-hour delay in testing the accused.

The Crown's appeal was on all counts and it was quite clear that this was a test case simply to see if there would be any case law that would be of assistance for future trials. On this count alone the case was a clear winner for the sake of clarification.

The ALERT section of the Criminal Code states as follows: (edited text) 254(2) Where a peace officer reasonably suspects that a person who is operating a motor vehicle... or who has the care or control of a motor vehicle,... whether it is in motion or not, has alcohol in the person's body, the peace officer may, by demand made to that person, require the person to provide forthwith such a sample of breath as in the opinion of the peace officer is necessary...

The big question answered by the Supreme Court was whether the word forthwith was a duty imposed on the accused, the officer or both. The court was clear in its decision that is a requirement on both. It determined that the officer should be capable and ready to give the accused the test forthwith because he is, simply put, working under the good graces of Section 1 of the Charter of

Rights when he makes the demand.

Section 1 of the Charter permits a person's Charter Rights to be infringed if the Crown can demonstrate that it is necessary for the good of the public in general. Case Law determined (*Regina Vs. Dedman*) that the stopping of vehicles for the purpose of determining if the driver has consumed alcohol is a detention that would normally require the reading of rights. However the court ruled that this right may be limited by the officer because of the overwhelming need to protect the public from such a menace as drinking drivers.

The ruling went on to state that since this tool was given to the police it places a heavy onus on the officer (and later the Crown) to ensure the delay or detention is at an absolute minimum. The officer making the demand to supply a sample forthwith had better have an instrument available for the suspect to do just that.

It is clear that any officer who detains a person for a test into an approved screening device had better be ready to explain how long the delay was and for what purpose. If the delay is to have an instrument brought to him the officer would be better advised that forthwith means just that... right now!

If the Crown can prove that the delay was necessary, for example, to obtain a proper sample (ie. the clearing of smoke from the suspects lungs) then the delay may be proper and reasonable. If the accused in defence advises the court that he is a smoker but another officer delivered the instrument 15 minutes after he last butted out, then the accused may walk.

In this decision an important lesson was also brought home regarding identity of the accused. Every officer who brings a charge before the courts should be able to say THAT is the person who was driving and not he looks like the person who was driving. The former is positive evidence the latter leaves a reasonable doubt. And we all know what happens with reasonable doubts.

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Obstruction Charges Lost After Illegal Entry

Regina Vs. Maynes

A case heard in a Calgary court recently underlines the importance of proper entry into residences when searching for suspects.

In the case, heard last May, obstruct justice charges were thrown out after the presiding judge determined the officer had no probable grounds to believe a suspect was in the house.

In this matter it was revealed the suspect being sought had been involved in a hit and run accident 20 minutes before the officer arrived at the residence. Police had learned of the whereabouts of the accused by tracing a phone call made to police dispatchers on the emergency 911 line.

When the officer was met at the door by the accused he was told that the suspect he was looking for had gone to the hospital. The officer warned the accused that she could be charged with Obstructing Justice and walked passed her into the house. The officer located the suspect in the house and arrested him. A charge of

Obstructing Justice was subsequently brought against the accused.

At trial the officer was prevented from admitting his evidence because the court ruled he had no reasonable grounds to enter the residence.

I am not of the view the officer had any reasonable and probable grounds to believe the suspect was any longer within the house, stated Provincial Court Judge Michael H. Porter. In my view, his purpose of entering the residence was to look and see whether he was still there.

In this case the court drew upon the 1986 Supreme Court of Canada decision in Regina Vs. Landry which laid out the four points to consider before performing a warrantless search for a fugitive in a private residence;

[] Is the offence in question indictable?

[] Has the person sought committed the offence or does the officer, on reasonable grounds, believe he or she has committed or is about to commit the offence in question?

[] Are there reasonable grounds for the belief that the person sought is within the premises?

[] Was proper announcement made before entry?

Judge Landry determined that the officer failed to consider the last two parts of the four point decision. He continued by adding the officer, although not advised he could not enter the residence, did not receive permission to enter either. The judge ruled the entry was an unlawful search which breached section 8 of the Charter of Rights and all evidence obtained by the search was excluded.

Sillys

By Dave Sills



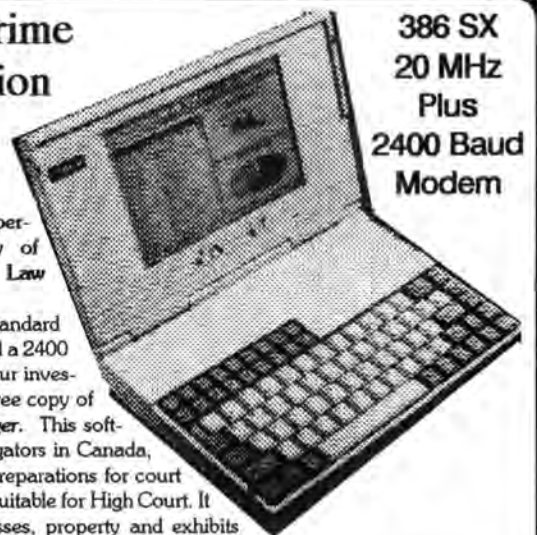
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Spare The Rod

A new and disturbing movement is overtaking Calgary. It is called teen violence. While there have always been school yard scuffles, there is now a growing tendency to fight in gangs with weapons. Knives and guns are among the items seized from students in schools here. Other items include serrated-edged military swords and spear-like devices with a 15 centimeter steel blade stuck into a 30 centimeter long wooden handle. Accompanying this trend, is a loss or complete rejection of authority. Figures such as parents, teachers, and yes, even police are noticing the increase.

On Monday, April 1st, 1991 police here responded to a fight between two teenagers outside a dance. While attempting to restore order and calm to the two combatants, the officers were suddenly attacked by more than 500 teenagers. Only the attendance of 20 officers quieted the disturbance but not before six officers were injured by kicks, punches, thrown rock and other debris. Eleven young people were arrested and charged.

Now, the bad news. All of these miniature dillingers are charged under that ineffective and toothless piece of legislation called the Young Offenders Act. The act which we have all come to know and love (yes, I'm smiling) ensures that these kids can get away with almost anything and be liable to only a maximum sentence of two years and/or a fine. Occasionally, if the crime is gruesome enough, a youth will be transferred to adult court. But this is rare. Relaxed laws coupled with superior education and information available have left no reason for a young person to behave or have any respect for anyone.

The general feeling here, according to Calgary Police Association, Mike Dungey, is that approximately one third of police members would take alternate employment if it were available. Any police officer knows that you are just as dead or just as hurt whether the deed is done by an adult or a youth. How is it that the law makers cannot understand this?

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